



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

Department of Administration

KELLY TSHIBAKA, COMMISSIONER

10th Fl. State Office Building
PO Box 110200
Juneau, AK 99811-0200
Main: 907.269.6293
Fax: 907.465.2135
www.doa.alaska.gov

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Dear IBU Leadership,

The State stands ready to bargain. The State neither accepts nor rejects the Union's final offer. The State has some ideas that it believes can result in a voluntary agreement without a strike.

The State of Alaska likewise believes your latest contract proposal contains one or more unlawful provision(s). We are convinced, among other things, that portions of your proposal on Rule 5 - Union Membership are in conflict with the free speech protections accorded to all IBU-represented State employees by the First Amendment of the United States Constitution. *See, Janus v. AFSCME Council 31*, 138 S.Ct. 2448 (2018).

At this time, the State of Alaska is formally requesting your Union to either withdraw, or to redraft, the unlawful portions of your proposal on Rule 5 - Union Membership in order to comply with Constitutional requirements. If you do not amend your proposal, the State requests that you notify your members that any strike in support of your current bargaining proposal will likely be unprotected activity under Alaska collective bargaining law. Section 23, Chapter 40, *et seq.*

As you are likely aware, under Alaska law, if employees engage in strike activity in support of your unlawful proposal, such strike would, in our opinion, be considered unprotected. If the strike is unprotected, as you are likely also aware, each and every striking employee (or one, or some, or all of them) would be subject to summary termination from their employment with the State. Moreover, your Union likely will be responsible for reimbursing the State for any and all damages to the State caused by any unlawful strike, including but not limited to lost revenues from ferry operations and related services and costs occasioned by an unlawful strike. Please exercise all of your best efforts to protect your employees and ensure that the State does not have to take disciplinary action against one, some or all of them for engaging in an unlawful and/or unprotected work stoppage, or take action against your Union occasioned by damages caused by any unlawful strike.

I look forward to hearing from you.

Sincerely,

Kelly Tshibaka
Commissioner, Department of Administration

cc: Kate Sheehan, Director, Division of Personnel and Labor Relations
Nancy Sutch, Human Resource Consultant, Division of Personnel